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EXAMINER

SALLIARD, SHANNON S

ART UNIT	PAPER NUMBER
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3628

NOTIFICATION DATE	DELIVERY MODE
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ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 09/886,457	Applicant(s) UDELHOVEN ET AL.	
	Examiner SHANNON S. SALIARD	Art Unit 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4,6-23,25,28 and 30-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4,6-23,25,28 and 30-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. Applicant has amended claims 1, 14, and 25. Claims 2-3, 5, 24, 26-27, and 29 have been cancelled. No claims have been newly added. Thus, claims 1, 4, 6-23, 25, 28, and 30-44 remain pending and are presented for examination.

Response to Arguments

2. Applicant's arguments and amendments filed 04 March 2010, with respect to the rejections of claims 1, 4, 6-13, and 38-40 under 35 U.S.C. § 101, have been fully considered and are persuasive. Thus, the rejections of claims 1, 4, 6-13, and 38-40 under 35 U.S.C. § 101 have been withdrawn.

3. Applicant's arguments with respect to claims 1, 14, and 25 under 35 U.S.C. § 103 (a) have been considered but are moot in view of the new ground(s) of rejection.

4. Applicant's arguments with respect to the rejection of claims 39, 42, and 43 have been fully considered but they are not persuasive. Applicant argues, "Additionally, claims 39 recites "querying one or more database to identify unused travel documents" and further recites "presenting data regarding the unused travel documents on a report." Claims 42 and 43 recite the same or similar language. The Office Action states that Gardener, at paragraphs [0170]-[0174] discloses the recited language. Applicant respectfully disagrees with this interpretation of Gardener... Thus Gardener in fact teaches away from a system that queries "one or more database to identify unused travel documents" as recited in the claims. As a result, claims 39, 42 and 43 recite

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elements not found in Flake, Gardener or Goss. Therefore claims 39, 42 and 43 are not obvious in view of the combination of Flake with Gardener and Goss.” Examiner asserts that Gardener discloses, “ Passenger reservation services 88 acts as a single interface to the back-end services that support the booking process from any of the booking interfaces... It takes direction based on the current "state" of the particular booking conversation interface by messaging with the internal and external backend services that access customer/corporate profile information, flight schedules, fares information, seat availability information from the host CRS, and the traveler's master reservation record 100 that is in process of being created during the booking session.

The reservation booking process is concluded by storing a master reservation record 100 containing all reservation information. The traveler is provided final confirmation during the booking session as well as a follow-up correspondence via a fax or e-mail 110. If the reservation has been made the same day as scheduled travel, the confirmation record will be immediately activated for boarding the flight at the airport gate“. [0063-0064] Gardener further discloses “The passenger uses the first segment from Minneapolis-St. Paul to Charlotte. Billing is calculated for the used portion of the itinerary or \$423. A revenue record is generated for the used segment using the original coupon prorated value of \$423. Event #3: The passenger decides not to fly the second portion of the itinerary. Event #4: At this point, the reservation is closed and no additional processing is necessary. Under these circumstance and with existing systems, the passenger would pay \$846 for the round-trip itinerary. To receive **reimbursement for the unused portion, the passenger typically would seek a**

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refund or exchange for the unused portion of the itinerary. Conversely, using the system of the present invention, the passenger would pay for travel as they go. Accordingly, only one charge of \$423 dollars with no additional processing would occur.” [0170-0174] Since the travel record (i.e., database) contains the unused portion of the ticket, and the customer has to seek a refund for the unused portions, it is obvious that the record had to be accessed in order to present the unused tickets for refunding to the customer. Furthermore, in response to applicant's argument that prior art reference(s) teach away from examiner's interpretation, examiner asserts that the disclosed examples and preferred embodiments do not constitute a teaching away from a broader disclosure or non-preferred embodiments. In re Susi, 169 USPQ 423, 426 (CCPA 1971). In the instant case, while Gardener's invention is an improvement over the past techniques, Gardener teaches that the technique was known in the art prior to the instant invention.

5. With respect to claims 40 and 44, applicant has challenged Examiner's use of Official Notice. Examiner cites the reference to Buchanan (US 6,009,408). Buchanan discloses selecting a payment account from a plurality of payment accounts in accordance with a mode of travel (col 10, lines 5-40). Examiner submits that the reference to Buchanan is only being cited to substantiate the previous Official Notice statement by the examiner, does not result in a new basis for rejection, and therefore, this rejection is made final.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 1, 6-10, 13-15, 18-23, 25, 30-34, 37, 39, 42, and 43** are rejected under 35 U.S.C. 103(a) as being unpatentable over Flake et al [U.S. Patent No. 5,832,451] in view of Gardener et al [US 2002/0178034] and Hollatz et al [US 6,333,980].

As per **claims 1, 14, and 25**, Flake et al discloses a method for execution by one or more processor, the method for providing travel services, the method comprising:

receiving by the one or more processors data from a client system to insert into a traveler database having traveler information for a plurality of travelers (col 3, lines 46-52; col 8, lines 33-36; see Fig. 1);

receiving by the one or more processors a request from a travel arranger for at least one travel service (col 7, lines 1-14); .

requesting information regarding the at least one travel service from a Global Distribution System (GDS) (col 18, line 67-col 19, line 1);

retrieving by the one or more processors traveler data from the traveler database, wherein the traveler data includes at least a portion of the traveler information; and displaying the traveler data in conjunction with the information from the GDS (col 2, lines 19-24; col 7, lines 16-27, col 19, lines 2-15, displays for the agent

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{arranger} the requesting customer's business/ and or individual profile information, along with all CRS information); and

deferring a task related to the travel request [col 7, lines 28-44; col 8, lines 1-17], the task associated with a skill group [col 8, lines 18-47; col 1, lines 65-67; col 2, lines 1-6].

While Flake et al discloses receiving data from a client system to insert into a traveler database having traveler information for a plurality of travelers (col 3, lines 46-52; col 8, lines 33-36; see Fig. 1), Flake et al does not explicitly disclose receiving data for a plurality of travelers. However, mere duplication of parts has no patentable significance unless new and unexpected result is produced, see *In re Harza*, 124 USPQ 378 (CCPA 1960).

Flake et al does not explicitly disclose associating in the traveler database a subset of the plurality of travelers with a travel arranger;

displaying a user interface providing the subset of the plurality of travelers associated with the travel arranger on a display coupled to the one or more processors;

receiving through the user interface a selection of a traveler from the subset of the plurality of travelers associated with the travel arranger; and

retrieving traveler data for the selected traveler from the traveler database.

However, Gardener et al discloses a customer profile database that stores every booking [0082]. Gardener et al further discloses allowing a travel planner to retrieve a travel profile for a second or subsequent traveler (i.e. a traveler associated with a travel planner) [0085, Examiner interprets a subset to include a "subsequent traveler"]. It

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would have been obvious to one of ordinary skill in the art to include in the travel reservation system of Flake et al the ability to associate, display, and select a subset of travelers associated with a travel arranger as taught by Gardener since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Flake et al does not disclose querying a call management system to receive data indicating an availability of travel counselors, the travel counselors associated with one or more skill groups, wherein a travel counselor is available when the travel counselor is not processing a call; upon determining that a number of available travel of counselors within the skill group associated with the task is above a predetermined threshold, routing the task to a travel counselor within the skill group for further processing the task.

However, Hollatz et al discloses querying a call management system to receive data indicating an availability of travel counselors [col 2, lines 41-46], the travel counselors associated with one or more skill groups [col 2, lines 17-24], wherein a travel counselor is available when the travel counselor is not processing a call [col 6, lines 1-6]; upon determining that a number of available travel counselors within the skill group associated with the task is above a predetermined threshold, routing the task to a travel counselor within the skill group for further processing the task, wherein the

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predetermined threshold is set to insure that one or more travel counselors are available to answer incoming phone requests [col 7, lines 5-10].

It would have been obvious to one of ordinary skill in the art to include in the travel reservation system of Flake et al the ability to determine that a number of available travel counselors within the skill group associated with the task is above a predetermined threshold and route the task to a travel counselor within the skill group for further processing the task as taught by Hollatz et al since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per **claims 6, 19, and 30**, Flake et al further discloses wherein the at least one travel service includes an airline reservation service (col 3, lines 26-29).

As per **claims 7, 20, and 31**, Flake et al further discloses wherein the at least one travel service includes a hotel reservation service (col 3, lines 26-29).

As per **claims 8, 21, and 32**, Flake et al further discloses wherein the at least one travel service includes a rental car reservation service (col 3, lines 26-29).

As per **claims 9, 22, and 33**, Flake et al further discloses wherein the at least one travel service includes a train reservation service (col 26-29).

As per **claims 10, 23, and 34**, Flake et al further discloses wherein the at least one travel service includes a limousine reservation service (col 26-29).

As per **claims 13 and 37**, Flake et al further discloses further comprising: retrieving corporate travel data, said data including at least one travel policy;

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determining a valid travel service option from the information from the GDS in accordance with the at least one travel policy (col 3, lines 55-65).

As per **claim 15**, Flake et al further discloses wherein the at least one GDS includes the Sabre system (col 3, lines 22-25).

As per **claim 18**, Flake et al further discloses wherein the at least one GDS includes the Worldspan system (col 3, lines 26-29).

As per **claim 24**, Flake et al further discloses further comprising a call management system operative to forward requests to a user of the travel services component (col 8, lines 4-16).

As per **claims 39, 42, and 43**, Flake et al does not disclose querying one or more database to identify unused travel documents; and presenting data regarding the unused travel documents on a report. However, Gardener et al discloses identifying used and unused portions of an itinerary and providing a refund for the unused portions [0170-0174]. It would have been obvious to one of ordinary skill in the art to include in the travel reservation system of Flake et al the ability to querying to identify unused travel documents and reporting the unused documents as taught by Gardner et al since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

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8. **Claims 4 and 28** are rejected under 35 U.S.C. 103(a) as being unpatentable over Flake et al [U.S. Patent No. 5,832,451] in view of Gardener et al [US 2002/0178034] and Hollatz et al [US 6,333,980] as applied to claim 1 above, and further in view of Bull et al [U.S. Patent No. 5,995,943].

As per **claims 4 and 28**, Flake et al in view of Gardener et al and Hollatz et al disclose all the limitations of claims 1 and 2. Flake et al in view of Gardener et al and Hollatz et al do not disclose wherein routing the task includes determining that a travel related service has become available. However, Bull et al discloses a method for finding a requested service that was not yet available and monitoring information additions so that the user may be provided the information when it is available (col 6, lines 5-15). It would have been obvious to one of ordinary skill in the art to include in the travel reservation system of Flake et al in view of Gardener et al and Hollatz et al, the ability to determine that a travel related service has become available as taught by Bull et al since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

9. **Claims 11, 35, 38, and 41** are rejected under 35 U.S.C. 103(a) as being unpatentable over Flake et al [U.S. Patent No. 5,832,451] in view of Gardener et al [US

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2002/0178034] and Hollatz et al [US 6,333,980] as applied to claim 1 above, and further in view of Iyengar et al [U.S. Patent No. 6,360,205].

As per **claims 11 and 35**, Flake et al in view of Gardener et al and Hollatz et al disclose all the limitations of claim 1. Flake et al in view of Gardener et al and Hollatz et al do not disclose wherein retrieving traveler data from the traveler database includes retrieving data regarding a previous itinerary and further comprising copying the data regarding the previous itinerary into a current itinerary. However, Iyengar et al discloses accessing a database record for a traveler from a previous transaction to copy that data into a current request (col 8, lines 9-30). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Flake et al in view of Gardener et al and Hollatz et al, to include the method disclosed by Iyengar et al. Iyengar et al provides the motivation that the information from the previous transaction so that the request can be pre-populated with information and the user can avoid typing the information again (col 8, lines 9-30).

As per **claims 38 and 41**, Flake et al in view of Gardener et al and Hollatz et al disclose all the limitations of claim 1. Flake et al in view of Gardener et al and Hollatz et al do not disclose further retrieving details from a previous travel order for a traveler; and copying at least a portion of the details from the previous travel order to a user interface for a current travel order for the traveler. However, Iyengar et al discloses accessing a database record for a traveler from a previous transaction to copy that data into a current request (col 8, lines 9-30). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Flake et

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al in view of Gardener et al and Hollatz et al, to include the method disclosed by Iyengar et al. Iyengar et al provides the motivation that the information from the previous transaction so that the request can be pre-populated with information and the user can avoid typing the information again (col 8, lines 9-30).

10. **Claims 12 and 36** are rejected under 35 U.S.C. 103(a) as being unpatentable over Flake et al [U.S. Patent No. 5,832,451] in view of Gardener et al [US 2002/0178034] and Hollatz et al [US 6,333,980] as applied to claim 1 above, and further in view of Harris et al [US 2002/0108109].

As per **claims 12 and 36**, Flake et al in view of Gardener et al and Hollatz et al disclose all the limitations of claim 1. Flake et al in view of Gardener et al and Hollatz et al do not explicitly disclose wherein retrieving traveler data from the traveler database includes retrieving data regarding a first traveler's itinerary and further comprising copying the data regarding the first traveler's itinerary into a second traveler's itinerary. However, Harris et al discloses that a user inputs travel data for multiple passengers to generate a profile and that possible itineraries are presented based on the user's profile [0048]. Thus, suggesting that the first traveler's itinerary and the second traveler's itinerary include the same information as retrieved from the first itinerary. It would have been obvious to one of ordinary skill in the art to include in the travel reservation system of Flake et al, modified with Gardener et al and Goss et al, the ability to copy the data regarding the first traveler's itinerary into a second traveler's itinerary as taught by Harris

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et al since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

11. **Claims 16 and 17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Flake et al [U.S. Patent No. 5,832,451] in view of Gardener et al [US 2002/0178034] and Hollatz et al [US 6,333,980] as applied to claim 1 above, and further in view of Lynch et al [U.S. Patent No. 6,119,094].

As per **claims 16 and 17**, Flake et al in view of Gardener et al and Hollatz et al disclose all the limitations of claim 14. Flake et al in view of Gardener et al and Hollatz et al do not disclose wherein the at least one GDS includes the Galileo system and the Amadeus system. However, Lynch et al discloses a travel reservation system that includes the Galileo system and the Amadeus system (col 4, lines 54-60). It would have been obvious to one of ordinary skill in the art to include in the travel reservation system of Flake et al in view of Gardener et al and Hollatz et al, a GDS that includes the Galileo system and the Amadeus system as taught by Lynch et al since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

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12. **Claims 40 and 44** are rejected under 35 U.S.C. 103(a) as being unpatentable over Flake et al [U.S. Patent No. 5,832,451] in view of Gardener et al [US 2002/0178034] and Hollatz et al [US 6,333,980] as applied to claim 1 above, and further in view of Buchanan (US 6,009,408).

As per **claims 40 and 44**, Flake et al in view of Gardener et al and Hollatz et al disclose all the limitations of claim 1. Flake et al in view of Gardener et al and Hollatz et al do not disclose storing a plurality of payment accounts for a traveler, each of the plurality of payment accounts associated with a mode of travel; and selecting a payment account from the plurality of payment accounts in accordance with a mode of travel for a current travel order. Buchanan discloses selecting a payment account from a plurality of payment accounts in accordance with a mode of travel (col 10, lines 5-40; payments from accounts are provided based on whether airline or car rental). It would have been obvious to one of ordinary skill in the art to include in the travel reservation system of Flake et al in view of Gardener et al and Hollatz et al, the ability to select an payment account according to the mode of travel as known in the art since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHANNON S. SALIARD whose telephone number is (571)272-5587. The examiner can normally be reached on Monday - Friday, 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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